

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16263 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- JAKKANPUR District- Patna

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BHOLA PASWAN SON OF LATE LALAN PASWAN RESIDENT OF
VILLAGE- PURANDARPUR, PS- JAKKANPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special

Case No. 179 of 2022, arising out of Jakkanpur P. S. Case

No. 494 of 2022, registered for the offences punishable

under Sections 8C/21(c)/25/29 of the Narcotic Drugs and

Psychotropic Substances Act, 1985.

As per allegation, during the course of patrolling,

police apprehended two persons with 21 Pudiya of smack

like substance, weighing 11 gms.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that, assuming but not admitting, 5 gm. smack was recovered from the petitioner which is just above the small quantity and much less the commercial quantity. He further submits that search and seizure has not been made as per the procedure as prescribed under the Narcotic Drugs and Psychotropic Substances Act, 1985. He also submits that co-accused, Vishal Kumar has already been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 26.04.2023, passed in Cr. Misc. No. 1963 of 2023.

He further submits that the petitioner has been languishing in jail since 19.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-XXIV, Patna in connection with Special Case No. 179 of 2022, arising out of Jakkanpur P. S. Case No. 494 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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